

REMARKS

Claims 1-8, 10, 11, and 13-26 are currently pending in the application, claims 9 and 12 having been withdrawn from consideration by the Examiner as being drawn to a non-elected species.

Claims 1-8, 10, 11, and 13-26 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The rejection is based on the following specific findings by the Examiner:

- open-ended recitation, “at least as a motor and generator”
- recitation of “ratios automatically setting themselves”, and
- inconsistency in naming the two operating modes of the electro-mechanical energy converter.

To address the foregoing rejection, applicants have corrected the foregoing deficiencies named by the Examiner in the claims where they occur, i.e., claims 1 and 22. The corrections are strictly editorial in nature and introduce no new matter into the application. Applicants respectfully submit that the grounds for the foregoing rejection of claims 1-8, 10, 11, and 13-26 under 35 U.S.C. 112, second paragraph, have thereby been removed and that the rejection should therefore be withdrawn.

Claims 1, 2, 5, 6, 10, 11, 13, 15, 16-18 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Tabata et al. (US 5,935,040). The rejection is based on the Examiner’s attempt to read the aforementioned claims of the present application on Tabata’s Figure 1.

In response to the foregoing rejection under 35 U.S.C. 102(e), applicants respectfully note that Tabata et al. lacks at least one essential feature of claim 1, namely that “**the interactive rotary connection automatically sets itself** to one of at least two rpm ratios depending on whether the electro-mechanical energy converter is working in the first or second mode”, with the modes being defined as “a first mode in

which the torque flows from the electro-mechanical energy converter to the combustion engine, and a second mode in which the torque flows from the combustion engine to the electro-mechanical energy converter". The important point in claim 1 of the present application is that the interactive rotary connection automatically **sets itself** depending on the direction in which the torque flows either from the engine to the electro-mechanical converter or vice versa. The feature that the rpm ratio is coupled to the direction of the torque flow as disclosed and claimed in the present application represents a significant advantage over the prior art, because it allows a relatively small electro-mechanical energy converter to work in support of a powerful combustion engine and, conversely, the powerful combustion engine can produce a large amount of electric energy with a fast-rotating electro-mechanical energy converter. On the other hand, when the power train operates in a drag mode, the torque-direction dependent rpm-ratio of the rotary connection allows the electro-mechanical energy converter to recover a large amount of energy from slowing the vehicle down.

In contrast to the feature where the interactive rotary connection automatically **sets itself** depending on the direction in which the torque flows, Tabata uses a "hybrid drive controller", i.e., a hydraulic control device (see col. 5, lines 19-40) to actuate clutches and other elements of the drive train. Thus, lacking an interactive rotary connection that automatically sets itself depending on the direction of the torque, Tabata fails to meet the criterion for anticipating independent claim 1 of the present application. Consequently, the rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Tabata et al. (US 5,935,040) should be withdrawn. Since claim 1 is not subject to any further rejections in the Office Action of February 14, 2005, claim 1 should be allowed. Furthermore, claims 2-8, 10, 11, and 13-20 should be allowed by virtue of their dependency on the presumably allowable independent claim 1.

Applicants appreciate that the Examiner found claims 21-26 to be conditionally allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, which has been addressed hereinabove. However, in view of the foregoing argument, applicants respectfully submit that claims 21-26 should be allowed

by virtue of their dependency on the presumably allowable independent claim 1, i.e., without being rewritten.

Applicants respectfully submit that all issues of the Office Action of February 14, 2005 have been appropriately addressed by the foregoing amendment and remarks. Allowance of the present application with claims 1-8, 10, 11, and 13-26 is hereby earnestly solicited.

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Respectfully submitted,

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